

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LELDON COFFEY and  
CARRIE COFFEY,**

**Plaintiffs,**

**v.**

**RODNEY D. MCCLURE et al.,**

**Defendants.**

**No. 13-cv-819-DRH-PMF**

**Order**

This matter is before the Court on defendants Jeffco Leasing Co, Inc.'s motions to strike and dismiss certain allegations from defendant Pioneer Coach Inc.'s cross-claims (Doc. 37) and defendant Rodney McClure's cross-claims (Doc. 38). Jeffco Leasing Co, Inc. moves to strike and dismiss with prejudice sub-part (p) of paragraph 16 of both Pioneer and McClure's cross-claims pursuant to Fed. R. Civ. P. 12(b)(6) and 12(f).

As of today's date, cross claimant has not responded to the motion to dismiss. Pursuant to Local Rule 7.1(c), the Court considers the failure to respond as an admission of the merits of the motion to strike and dismiss.<sup>1</sup> Accordingly, the Court **GRANTS** the motion to strike and dismiss. The Court **DISMISSES**

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<sup>1</sup>Local Rule 7.1(c) provides in part: "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."

**with prejudice** sub-part (p) of paragraph 16 of both Pioneer and McClure's cross-claims (Doc. 37, 38).

**IT IS SO ORDERED.**

Signed this 10th day of February, 2015.

 Digitally signed by  
David R. Herndon  
Date: 2015.02.10  
15:35:40 -06'00'

**United States District Judge**